

**STATE OF CALIFORNIA  
BUREAU OF STATE AUDITS  
555 CAPITOL MALL, SUITE 300  
SACRAMENTO, CA 95814**

**TITLE 2, DIVISION 10: CALIFORNIA CODE OF REGULATIONS  
ADOPT SECTIONS 60800-60828, 60830-60836 and 60840-60855  
REGARDING THE VOTERS FIRST ACT**

**INITIAL STATEMENT OF REASONS**

**INTRODUCTION**

**The Voters First Act**

The Voters First Act, approved by the voters in the November 4, 2008 general election as Proposition 11 (the “Act”),<sup>1</sup> requires the State Auditor to initiate an application process for the Citizens Redistricting Commission (the “commission”). The commission, composed of fourteen members, is responsible for redrawing district lines for the Senate, Assembly, and State Board of Equalization based on decennial census information. To serve as a member of the commission, an applicant must be a registered California voter who has voted in two of the last three statewide general elections and has been continuously registered with the same political party, or no political party, for at least five years immediately prior to selection. Additionally, an applicant cannot have a conflict of interest as defined by the Act.

The Act requires the State Auditor to select the Applicant Review Panel (the “panel”) that will review the applications of persons wishing to serve on the commission. The State Auditor selects the panel by randomly drawing the names of three auditors from a pool of qualified independent auditors who are licensed by the State Board of Accountancy and have 10 or more years of experience working as an independent auditor.

Under the Act, the panel shall evaluate all of the applications submitted by persons who are eligible to serve on the commission and do not have a conflict of interest, and based on that evaluation, identify a pool of 60 of the most qualified applicants. This pool of 60 applicants must consist of three subpools of 20 applicants each, with one subpool comprised of applicants registered with the state’s largest political party, another subpool comprised of applicants registered with the state’s second largest political party, and a third subpool comprised of applicants not registered with either of the state’s two largest political parties. The State Auditor sends a list of the names of the 60 applicants to specified leaders in the Legislature who may strike not more than eight applicants from each of the subpools. The legislative leaders are then required to return the remaining names to the State Auditor, who randomly draws from the names remaining in each of the subpools the names of three applicants registered with the largest political party, three applicants registered with the second largest political party, and two applicants not registered with either of the two largest political parties. These applicants become

---

<sup>1</sup> The Voters First Act is contained in Article XXI of the California Constitution and sections 8251 through 8253.6 of the Government Code.

the first eight members of the commission, and they select an additional six applicants to serve on the commission from those remaining in the three subpools.

### **Proposed Regulations**

The Act provides little guidance about the application process and the work of the panel. To implement the provisions of the Act in a way that provides guidance and clarity to potential applicants and to the general public, the bureau is proposing a set of regulations to guide the process. We provide specific information regarding each proposed regulation below. As an overview, the proposed regulations will implement provisions of the Act related to the following subject areas:

- The creation and operation of the panel.
- A comprehensive outreach program designed to increase voter awareness of the opportunity to serve on the commission and to promote the creation of an applicant pool that is reasonably representative of the state's diversity.
- The application process including application forms.
- The method for screening applicants to ascertain whether they meet the eligibility requirements for serving on the commission.
- The process for evaluating applicants to identify a pool of 60 of the most qualified applicants who will be finalists for selection to the commission.
- The procedure for transmitting a list of the names of the 60 finalists (20 in each subpool) to specified legislative leaders, who may strike up to 8 names from each subpool.
- The process for randomly drawing eight applicants (3 Democrats, 3 Republicans, and 2 others) to serve as the first eight members of the commission.

### **SPECIFIC PURPOSE OF EACH SECTION – GOVERNMENT CODE SECTION 11346.2, SUBDIVISION (b)(1)**

This regulatory proposal would adopt the following sections in title 2, division 10 of the California Code of Regulations.

The specific purpose of each adoption, and the rationale for the determination that each adoption is reasonably necessary to carry out the purpose for which it is proposed, together with a description of the public problem, administrative requirement, or other condition or circumstance that each adoption is intended to address, is as follows.

**Proposed Section 60800** defines “ability to be impartial.” Government Code section 8252, subdivision (d),<sup>2</sup> requires the panel to select 60 of the most qualified applicants based on relevant analytical skills, the ability to be impartial, and an appreciation for California’s diverse demographics and geography. However, the Act does not define these terms, and therefore the criteria that will be used to assess applicants for the commission is unclear. This proposed regulation specifies the criteria that the panel shall use to assess an applicant’s ability to be impartial, as more fully discussed in the Memorandum submitted to the State Auditor dated July 31, 2009, relating to Identifying Most Qualified Applicants (Memorandum Number 4), and included with this filing.

**Proposed Section 60801** defines “applicant” as the term is used in the Act. The Act does not specifically define the term. This proposed regulation provides clarity to prospective applicants and the general public regarding the meaning of this term as it is used in the Act and in these proposed regulations.

**Proposed Section 60802** defines “application materials.” This proposed regulation provides clarity to prospective applicants and the general public regarding the meaning of this term as it is used in these proposed regulations.

**Proposed Section 60803** defines “application year.” This proposed regulation provides clarity to prospective applicants and the general public regarding the meaning of the term as it is used in these proposed regulations.

**Proposed Section 60804** defines “appointed to Federal or State Office” as the term is used in section 8252, subdivision (a)(2)(A). As explained in the Memorandum to the State Auditor dated July 31, 2009, regarding Conflicts of Interest (Memorandum Number 2), and included with this filing, this term suffers from ambiguity and needs some interpretation to be applied. The clarification gives meaning to the statute that best supports the purposes of the Act.

**Proposed Section 60805** defines “appreciation for California’s diverse demographics and geography.” Section 8252, subdivision (d) requires the panel to select 60 of the most qualified applicants based on relevant analytical skills, the ability to be impartial, and an appreciation for California’s diverse demographics and geography. As explained in greater detail in the Memorandum to the State Auditor, dated July 31, 2009, regarding Identify Most Qualified Applicants (Memorandum Number 4), and included with this filing, the Act does not define these terms, and therefore the criteria that will be used to assess applicants for the commission is unclear. This proposed regulation specifies the criteria that the panel shall use to assess an applicant’s appreciation for California’s diverse demographics and geography.

**Proposed Section 60806** defines “bona fide relationship” as the term is used in section 8252, subdivision (a). The Act does not specify the characteristics of a relationship that will make it a “bona fide relationship” and therefore the term “bona fide relationship” suffers from ambiguity. To provide clarity regarding the meaning of this term, as more fully described in the Memorandum to the State Auditor dated July 31, 2009, regarding Conflicts of Interest

---

<sup>2</sup> All statutory references are to the Government Code.

(Memorandum Number 2), and included with this filing, the proposed regulation defines a bona fide relationship as one that is so substantial in nature as to include recent cohabitation, shared real or personal property ownership of \$1,000 or more, or the provision of a financial benefit of \$1,000 or more by one member of the relationship to the other.

**Proposed Section 60807** defines “Bureau.” The Bureau of State Audits is a state agency, headed by the State Auditor that is responsible for carrying out the duties of the State Auditor at his or her direction. This proposed regulation provides clarity to prospective applicants and the general public regarding the meaning of this term as it is used in these proposed regulations.

**Proposed Section 60808** defines “Bureau’s website.” This proposed regulation provides clarity to prospective applicants and the general public regarding the meaning of this term as it is used in these proposed regulations.

**Proposed Section 60809** defines “campaign committee” as the term is used in section 8252, subdivision (a)(2)(A). The Act does not specifically define this term, so it requires some interpretation and clarification, as more fully discussed in the Memorandum to the State Auditor dated July 31, 2009, regarding Conflicts of Interest (Memorandum Number 2), and included with this filing. This proposed regulation provides a definition of campaign committee that is consistent with the definition for “authorized committee” under federal law and “controlled committee” under state law.

**Proposed Section 60810** defines “commissioner.” This proposed regulation provides clarity to prospective applicants and the general public regarding the meaning of this term as it is used in these proposed regulations.

**Proposed Section 60811** defines “conflict of interest.” As explained more fully in the Memorandum to the State Auditor dated July 31, 2009, regarding Conflicts of Interest (Memorandum Number 2), and included with this filing, this proposed regulation provides clarity to prospective applicants and the general public regarding the meaning of this term as it is used in the Act and these proposed regulations.

**Proposed Section 60812** defines “congressional, state, or local candidate for elective public office” as this term is used in section 8252, subdivision (a)(2)(A). As more fully explained in the Memorandum to the State Auditor dated July 31, 2009, regarding Conflicts of Interest (Memorandum Number 2), and included with this filing, this term suffers from ambiguities and requires further interpretation to be applied. This proposed regulation therefore defines a congressional candidate for elective public office, as a state candidate for elective public office, and a local candidate for elective public office to give those words more precise meaning.

**Proposed Section 60813** defines “consultant” as the term is used in section 8252, subdivision (a). The Act does not specifically define the term consultant. Thus, as more fully discussed in the Memorandum to the State Auditor dated July 31, 2009, regarding Conflicts of Interest (Memorandum Number 2), and included with this filing, the term suffers from ambiguity and requires further interpretation to be applied. This proposed regulation defines “consultant” as

any person who provides consulting services to a political party, campaign committee, the Governor, a member of the Legislature, or a member of Congress elected from California.

**Proposed Section 60814** defines “diversity.” As more fully explained in the Memorandum to the State Auditor, dated July 31, 2009, relating to Diversity (Memorandum Number 5), and included with this filing, the Act aims at the creation of a commission that is reasonably representative of the state’s diversity, but it does not provide specific guidance to the panel regarding its role in promoting that result. This proposed regulation clarifies the criteria that the panel will use in creating applicant pools that reflect California’s diversity.

**Proposed Section 60815** defines “federal office” as the term is used in section 8252, subdivision (a)(2)(A). The Act does not specifically define the term federal office. Thus, as explained more fully in the Memorandum to the State Auditor dated July 31, 2009, regarding Conflicts of Interest (Memorandum Number 2), and included with this filing, the term suffers from ambiguity and requires some interpretation to be applied. This proposed regulation clarifies that an individual holds a federal office if he or she is appointed to, is elected to, or is a candidate for the office of Senator or Representative in the Congress of the United States elected from California.

**Proposed Section 60816** defines “in-law” as the term is used in section 8252, subdivision (b), and in these proposed regulations. The Act does not specifically define the term in-law. Thus, as explained more fully in the Memorandum to the State Auditor dated July 31, 2009, regarding Conflicts of Interest (Memorandum Number 2), and included with this filing, the term suffers from ambiguity and requires some interpretation to be applied. This proposed regulation defines “in-law” as “the father, mother, or sibling of a person’s spouse or registered domestic partner,” thereby clarifying that a conflict of interest may arise from the activities of those individuals.

**Proposed Section 60817** defines “legislative leader” as the term is used in section 8252, subdivision (e), and in these proposed regulations. This proposed regulation provides clarity to prospective applicants and the general public regarding the meaning of this.

**Proposed Section 60818** defines “most qualified applicants” as the term is used in section 8252, subdivision (d). As explained more fully in the Memorandum to the State Auditor, dated July 31, 2009, regarding Identifying Most Qualified Applicants (Memorandum Number 4) and included with this filing, this proposed regulation provides clarity regarding the criteria that the panel will use in creating a pool of 60 of the most qualified applicants whose names the panel must transmit to the Legislature.

**Proposed Section 60819** defines “paid congressional, legislative, or Board of Equalization staff” as the term is used in section 8252, subdivision (a)(2)(A). As explained more fully in the Memorandum to the State Auditor dated July 31, 2009, regarding Conflicts of Interest (Memorandum Number 2), and included with this filing, this term suffers from ambiguity and requires some interpretation to be applied. This proposed regulation defines that term as a person who is employed by the Congress of the United States to provide services to a member elected from California, by the Legislature, or by the State Board of Equalization.

**Proposed Section 60820** defines “paid consultant” as the term is used in section 8252, subdivision (a)(2)(A). The Act does not specifically define the term paid consultant. Thus, as explained more fully in the Memorandum to the State Auditor dated July 31, 2009, regarding Conflicts of Interest (Memorandum Number 2), and included with this filing, this term suffers from ambiguity and requires some interpretation to be applied. This proposed regulation provides clarity to prospective applicants and the general public regarding the meaning of this term.

**Proposed Section 60821** defines “political party” as the term is used in section 8252, subdivision (a)(2)(A). The Act does not specifically define the term political party. Thus, as explained more fully in the Memorandum to the State Auditor dated July 31, 2009, regarding Conflicts of Interest (Memorandum Number 2), and included with this filing, this term suffers from ambiguity and requires some interpretation to be applied. This proposed regulation defines political party as a political party that is operating in California by making expenditures to support candidates for elective public office in the state.

**Proposed Section 60822** defines “political party central committee” as the term is used in section 8252, subdivision (a)(2)(A). The Act does not specifically define the term political party central committee. Thus, as explained more fully in the Memorandum to the State Auditor dated July 31, 2009, regarding Conflicts of Interest (Memorandum Number 2), and included with this filing, this term suffers from ambiguity and requires some interpretation to be applied. This proposed regulation defines a political party central committee as a political party central committee operating in California.

**Proposed Section 60823** defines “qualified independent auditor” as the term is used in section 8252, subdivision (b), and in this proposed regulations. The Act does not specify what makes an auditor “independent.” Thus, as more fully explained in the Memorandum to the State Auditor, dated July 31, 2009, regarding Applicant Review Panel (Memorandum Number 3) and included with this filing, this term suffers from ambiguity and requires further interpretation to be applied. This proposed regulation provides clarity to prospective applicants to serve on the panel and to the general public regarding the meaning of this term.

**Proposed Section 60824** defines “randomly draw” as the term is used in section 8252, subdivisions (b) and (f), and these proposed regulations. The Act does not set forth the process for the random drawing. Thus, as more fully explained in the Memorandum to the State Auditor, dated July 31, 2009, regarding Applicant Review Panel (Memorandum Number 3), and included with this filing, this term suffers from ambiguity and requires further interpretation to be applied. This proposed regulation prescribes the method by which panel members and the applicants are to be randomly drawn, and thus provides clarity regarding this process.

**Proposed Section 60825** defines “registered federal, state or local lobbyist” as the term is used in section 8252, subdivision (a)(2)(A). As more fully explained in the Memorandum to the State Auditor dated July 31, 2009, regarding Conflicts of Interest (Memorandum Number 2), and included with this filing, this term suffers from ambiguity and requires further interpretation to be applied. This proposed regulation provides clarity to prospective applicants and the general public regarding the meaning of this term.

**Proposed Section 60826** defines “relevant analytical skills.” Section 8252, subdivision (d) requires the panel to select 60 of the most qualified applicants based on relevant analytical skills, the ability to be impartial, and an appreciation for California’s diverse demographics and geography. However, as explained more fully in the Memorandum to the State Auditor, dated July 31, 2009, relating to Identifying Most Qualified Applicants (Memorandum Number 4), and included with this filing, the Act does not define these terms, and therefore the criteria that will be used to assess applicants for the commission is unclear. This proposed regulation specifies the criteria that the panel will use to assess an applicant’s relevant analytical skills.

**Proposed Section 60827** defines “staff” as the term is used in section 8252, subdivision (a)(2). The Act does not specifically define the term. As explained more fully in the Memorandum to the State Auditor dated July 31, 2009, regarding Conflicts of Interest (Memorandum Number 2), and included with this filing, this term suffers from ambiguity and requires further interpretation to be applied. This proposed regulation provides clarity to prospective applicants and the general public regarding the meaning of this term.

**Proposed Section 60828** defines “state office” as the term is used in section 8252, subdivision (a)(2). The Act does not specifically define that term. As explained more fully in the Memorandum to the State Auditor dated July 31, 2009, regarding Conflicts of Interest (Memorandum Number 2), and included with this filing, this term suffers from ambiguity and requires further interpretation to be applied. This proposed regulation provides clarity to prospective applicants and the general public regarding the meaning of this.

**Proposed Section 60830** specifies the process for selecting panel members and alternate panel members. The Act does not set forth the process for randomly drawing panel members and the applicants who will serve as the first eight members of the commission. Thus, as more fully explained in the Memorandum to the State Auditor, dated July 31, 2009, regarding Applicant Review Panel (Memorandum Number 3), and included with this filing, this process suffers from ambiguity and requires further interpretation to be applied. Proposed section 60823 sets forth a general process for random drawing. This proposed regulation provides additional specifics regarding random drawing as it relates to the selection of panel members. It also provides for the selection of alternate panel members.

**Proposed Section 60831** specifies that certain information about prospective and selected panel members will be available prior to a random drawing. As more fully explained in the Memorandum to the State Auditor, dated July 31, 2009, regarding Applicant Review Panel (Memorandum Number 3), and included with this filing, the Act requires an open redistricting process that invites public participation. Providing the public with information regarding the panel will give greater transparency to the process for selecting commission members.

**Proposed Section 60832** specifies the duties of panel members. The Act provides only a limited amount of detail on the duties of the panel. As more fully explained in the Memorandum to the State Auditor, dated July 31, 2009, regarding Applicant Review Panel (Memorandum Number 3), and included with this filing, to further the transparency goals of the Act and to assist with the

administration of the panel, this proposed regulation establishes specific duties of the panel members.

**Proposed Section 60833** specifies the grounds and process for the removal of a panel member. The Act does not set forth the grounds and process for the removal of a panel member. Thus, as more fully explained in the Memorandum to the State Auditor, dated July 31, 2009, regarding Applicant Review Panel (Memorandum Number 3), and included with this filing, this creates an ambiguity in the process that requires further interpretation. This proposed regulation will minimize the potential for disruption of the panel's work by specifying a process for the removal of a panel member.

**Proposed Section 60834** provides clarity regarding panel administration. The Act does not address staffing for the panel and thus, as explained more fully in the Memorandum to the State Auditor, dated July 31, 2009, regarding Applicant Review Panel (Memorandum Number 3), and included with this filing, creates an ambiguity in the process that requires further interpretation. This proposed regulation clarifies that the bureau will provide administrative and legal support to the panel.

**Proposed Section 60835** provides specifics regarding panel meetings. The Act does not provide any specific requirements for panel meetings, and thus, as explained more fully in the Memorandum to the State Auditor, dated July 31, 2009, regarding Applicant Review Panel (Memorandum Number 3), and included with this filing, creates an ambiguity in the process that requires further interpretation. This proposed regulation provides guidance to applicants and the general public on the location and procedures that the panel will follow during panel meetings.

**Proposed Section 60836** provides specifics regarding panel voting. The Act does not address voting procedures for the panel. Thus, as explained more fully in the Memorandum to the State Auditor, dated July 31, 2009, regarding Applicant Review Panel (Memorandum Number 3), and included with this filing, the lack of specificity creates an ambiguity in the panel's processes that requires further interpretation. This proposed regulation provides that any decision or reconsideration of a decision regarding the removal of an applicant from an applicant pool must be by a unanimous vote of the three panel members. Other decisions of the panel may be made by majority vote.

**Proposed Section 60840** provides specifics regarding the outreach program the bureau will undertake prior to and during the application period. As explained more fully in the Memorandum to the State Auditor, dated July 31, 2009, regarding Application Process (Memorandum Number 7), and included with this filing, while the Act contemplates outreach to the public, it does not provide specifics about what that outreach should entail. This proposed regulation requires the bureau, to undertake an outreach program designed to encourage qualified applicants of diverse backgrounds to apply to serve on the commission.

**Proposed Section 60841** provides an overview of the different phases of the application process. As explained more fully in the Memorandum to the State Auditor, dated July 31, 2009, regarding Application Process (Memorandum Number 7), and included with this filing, while the Act requires the bureau to initiate an application process that will lead to the selection of the



members of the commission, it provides the bureau and the public with little guidance on how to conduct the application process. This proposed regulation assists the public in obtaining a general understanding of the application process that the bureau proposes to use. Additional details about the process are offered in the proposed regulations that follow.

**Proposed Section 60842** specifies general requirements for all phases of the application process. As explained more fully in the Memorandum to the State Auditor, dated July 31, 2009, regarding Application Process (Memorandum Number 7), and included with this filing, while the Act requires the bureau to initiate an application process that will lead to the selection of the members of the commission, it provides the bureau and the public with little guidance on how to conduct the application process. This proposed regulation provides clarity for the bureau, the panel, and the public on the requirements that will apply to each phase of the application process.

**Proposed Section 60843** provides the specific requirements for the submission of applications during Phase I of the application process. As explained more fully in the Memorandum to the State Auditor, dated July 31, 2009, regarding Application Process (Memorandum Number 7), and included with this filing, because the Act does not set forth a detailed application process, the bureau is proposing regulations to create one. Also, as explained more fully in that memorandum, the initial application to be submitted during Phase I will elicit from each applicant some specific information that the bureau will use to verify the applicant meets the minimum qualifications for service. Further, as more fully explained in the Memorandum to the State Auditor, dated July 31, 2009, regarding Electronic Applications, (Memorandum Number 6), which is also included with this filing, this proposed regulation requires that, except as otherwise required by the Americans with Disabilities Act, applicants must submit applications electronically.

**Proposed Section 60844** provides specifics requirements regarding the review of initial applications during Phase I of the application process. As explained more fully in the Memorandum to the State Auditor, dated July 31, 2009, regarding Application Process (Memorandum Number 7), and included with this filing, while the Act imposes certain minimum requirements an applicant must satisfy to serve as a member of the commission, it specifies no method for screening applicants. Also, as explained more fully in that memorandum, this proposed regulation sets forth the Phase I screening process.

**Proposed Section 60845** provides for the publication of names of applicants in the applicant pool at the completion of Phase 1, as required by section 8242, subdivision (c). As explained more fully in the Memorandum to the State Auditor, dated July 31, 2009, regarding Application Process (Memorandum Number 7), and included with this filing, the Act does not provide guidance on how the State Auditor should publicize those names. This proposed regulation sets forth the method by which the State Auditor will publish the names.

**Proposed Section 60846** specifies the process for submitting written public comments and applicant responses to public comments. As explained more fully in the Memorandum to the State Auditor, dated July 31, 2009, regarding Application Process (Memorandum Number 7), and included with this filing, while the Act requires the State Auditor to publicize the names of the applicants, it does not specify how the bureau should receive public comments on the

applicants. As more fully explained in the memorandum, this proposed regulation specifies how the public may submit written comments about applicants, and also how applicants may respond to those written comments.

**Proposed Section 60847** provides specific requirements regarding the submission of supplemental applications during Phase II of the application process. As explained more fully in the Memorandum to the State Auditor, dated July 31, 2009, regarding Application Process (Memorandum Number 7), and included with this filing, the Act provides little in the way of specifics about the application process. As explained more fully in that memorandum, this proposed regulation specifies the requirements regarding the submission of supplemental applications during Phase II, which will solicit additional information from applicants who the bureau has determined during Phase I are eligible to serve as a commissioner. Also, as explained more fully in the Memorandum to the State Auditor, dated July 31, 2009, regarding Electronic Applications, (Memorandum Number 6), which is also included with this filing, the proposed regulation requires that, except as otherwise required by the Americans with Disabilities Act, the applicants must submit their applications electronically.

**Proposed Section 60848** provides specific requirements regarding the review of supplemental applications submitted during Phase II of the application process. As explained more fully in the Memorandum to the State Auditor, dated July 31, 2009, regarding Identifying Most Qualified Applicants (Memorandum Number 4), the Memorandum to the State Auditor, dated July 31, 2009, relating to Diversity (Memorandum Number 5), and the Memorandum to the State Auditor, dated July 31, 2009, regarding Application Process (Memorandum Number 7), all included with this filing, the Act provides little guidance on how the application process should be conducted, and therefore regulations are needed to specify how applicants are to be evaluated.. This proposed regulation provides the public and the panel with guidance on how the applications will be reviewed during Phase II.

**Proposed Section 60849** specifies the procedures for Phase III of the application process, which consists of applicant interviews and further evaluation of the applicants. As explained more fully in the Memorandum to the State Auditor, dated July 31, 2009, regarding Application Process (Memorandum Number 7), and included with this filing, the Act provides little guidance on how the application process should be conducted. As explained more fully in that memorandum, this proposed regulation provides the public and the panel with guidance on how the applicants will be interviewed and evaluated during Phase III.

**Proposed Section 60850** summarizes the qualifications and characteristics that the panel will rely upon in selecting 60 of the most qualified applicants. As explained more fully in the Memorandum to the State Auditor, dated July 31, 2009, regarding Identifying Most Qualified Applicants (Memorandum Number 4), the Memorandum to the State Auditor, dated July 31, 2009, relating to Diversity (Memorandum Number 5), and the Memorandum to the State Auditor, dated July 31, 2009, regarding Application Process (Memorandum Number 7), all included with this filing, the Act provides little guidance on how the application process should be conducted. As explained more fully in that memorandum, this proposed regulation provides the public and the panel with guidance on how the panel will select 60 of the most qualified applicants as the applicants whose names it will transmit to the Legislature.

**Proposed Section 60851** specifies the limited circumstances in which an applicant may seek reconsideration of a bureau or panel decision. As explained in greater detail in the Memorandum to the State Auditor, dated July 31, 2009, regarding Application Process (Memorandum Number 7), and included with this filing, just as the Act provides few details and instructions regarding the application process, it also does not specify whether applicants may seek reconsideration of any of the decisions made during the application process. As explained in greater detail in the Memorandum to the State Auditor, dated July 31, 2009, regarding Identifying Most Qualified Applicants (Memorandum Number 4), the Memorandum to the State Auditor, dated July 31, 2009, relating to Diversity (Memorandum Number 5), and the Memorandum to the State Auditor, dated July 31, 2009, regarding Application Process (Memorandum Number 7), all included with this filing, this proposed regulation sets forth the limited circumstances in which reconsideration may be requested and granted.

**Proposed Section 60852** specifies the process for transmitting the names of 60 of the most qualified applicants to the Legislature. As explained more fully in the Memorandum to the State Auditor, dated July 31, 2009, regarding Application Process (Memorandum Number 7), and included with this filing, the Act does not state how the panel shall transmit its list of the names of those that it designates as 60 of the most qualified applicants to the legislative leadership, nor does the Act state what the State Auditor should do if the list returned by legislative leadership after exercising strikes does not contain 12 names from each subpool. This proposed regulation requires the panel to transmit the names via hand-carried letter and provides guidance to the State Auditor if issues arise regarding the return of the list.

**Proposed Section 60853** provides specifics on the random drawing of the first eight commissioners. As explained more fully in the Memorandum to the State Auditor, dated July 31, 2009, regarding Applicant Review Panel (Memorandum Number 3), and the Memorandum to the State Auditor, dated July 31, 2009, regarding Application Process (Memorandum Number 7), and included with this filing, the Act does not set forth the method by which the State Auditor must randomly draw the names of the first eight commissioners. This proposed regulation, in combination with section 60824 addresses that ambiguity.

**Proposed Section 60854** provides some detail regarding the transmission of application materials by the bureau to the Secretary of State. As explained more fully in the Memorandum to the State Auditor, dated July 31, 2009, regarding Application Process (Memorandum Number 7), and included with this filing, section 8252, subdivision (g) requires the first eight commissioners to select the final six commissioners and to fill vacancies. Also, section 8253, subdivision (a)(5) requires the Secretary of State to provide support functions to the commission until the commission's staff and office are fully functional. As explained more fully in the memorandum, we recognize that neither the commission nor the Secretary of State could fulfill those duties without copies of the application materials of the remaining applicants. This proposed regulation provides a mechanism and deadline by which the panel will transmit those materials to the first eight commissioners and the Secretary of State.

**Proposed Section 60855** specifies the State Auditor's role in filling commission vacancies. As explained more fully in the Memorandum to the State Auditor, dated July 31, 2009, regarding

Application Process (Memorandum Number 7), and included with this filing, section 8253.5 requires the commission to fill vacancies, within 30 days after a vacancy occurs, from the applicants remaining in the pool of applicants of the same voter registration category as it existed on November 20 in the year in which the pool was established. As explained more fully in that memorandum, this proposed regulation would provide specific guidance to the bureau and the commission as to how those vacancies would be filled.

**OTHER REQUIRED SHOWINGS – GOVERNMENT CODE SECTION 11346.2, subdivision (b)(2)-(4)**

**Studies, Reports, or Documents Relied Upon – Government Code section 11346.2, subdivision (b)(2):** None.

**Reasonable Alternatives Considered – Government Code section 11346.2, subdivision (b)(3)(A):** The bureau considered various alternatives when drafting these proposed regulations. The alternatives considered include those alternatives presented by interested persons during hearings held by the bureau earlier this year; as well those received as written public comments.

**Reasonable Alternatives That Would Lessen the Impact on Small Businesses – Government Code section 11346.2, subdivision (b)(3)(B):** The proposed regulations do not impact small business.

**Evidence Relied Upon to Support the Initial Determination That the Regulations Will Not Have a Significant Adverse Economic Impact on Business – Government Code section 11346.2(b)(4):** The proposed regulations implement provisions of the Act that address outreach for an application process, the application process itself, and the selection of commission members from those individuals who choose to submit an application. Based on the limited scope of these regulations, the bureau determined that none of the proposed regulations would have a significant adverse economic impact on business.